

JUL 30 2009

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**BILLY LESTER,** )  
Plaintiff, )  
v. )  
**MICHAEL J. ASTRUE,** )  
Commissioner of Social Security, )  
Defendant. )  
)  
)  
)  
)  
)  
)  
Civil Action No. 7:08cv00407  
MEMORANDUM OPINION  
By: Samuel G. Wilson  
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Michael F. Urbanski, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered affirming the decision of the Commissioner, granting the defendant's motion for summary judgment, and denying the plaintiff's motion for summary judgment. Objections to the report and recommendation have been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. Accordingly, it is **ORDERED** and **ADJUDGED** that the final decision of the Commissioner is affirmed, defendant's motion for summary judgment is **GRANTED**, plaintiff's motion for summary judgment is **DENIED**, and this case is **ORDERED** stricken from the docket of the court.

**ENTER:** This July 30, 2009.



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